

Applicant and Applicant's attorney thank Examiner Mc Elheny for the telephone interview to discuss the outstanding rejection. The following remarks are made in light of this discussion.

REMARKS

what interview?

Applicant attorney thanks the Examiner in charge of this application for a telephone interview to discuss the rejection of the claims under 35 U.S.C. 101 for double patenting. It was agreed that if proper support existed in the specification, the claims may be considered to be subject to obvious-type double patenting, since what is now claimed is different than that originally claimed in the parent application.

This application is a continuation of Serial No. 08/474,374, filed on June 7, 1995, which is a continuation of 08/158,140 which was filed on November 26, 1993 and has now matured into U. S. Patent No. 5,469,353. The Office has rejected the instant application for double patenting in light of this issued patent.

Applicant submits that there is a clear and distinct difference between the subject matter claimed in the prior applications and the subject matter claimed in this application. In the prior application which now has matured to U. S. Patent No. 5,469,353 the claims are directed to the processing and manipulation of only *radiological images*, images produced using radioactive substances to achieve visualization. While the disclosure clearly supports claims directed to radiological imaging, the specification also clearly supports other techniques of *medical imaging* that do not involve the use of radioactive substances. Specifically, as is described in the "Summary of the Invention", images other than just radiological images are intended to be within the scope of the invention (see page 3 at line 5 et seq.)

The images can include images created by conventional x-ray technology, computed radiography, magnetic resonance imaging (MRI), computer tomography (CT), ultrasound imaging, nuclear medicine, and mammography equipment.

While some the above imaging techniques clearly fall within the scope of radiological imaging, others obviously do not. *Ultrasound imaging*, uses the reflection of high energy *sound waves* as the underlying principle to create the images. *Magnetic resonance imaging (MRI)* utilizes high frequency radio waves. Neither of these techniques utilize radioactive material, and ~~neither of these techniques could be properly classified as radiological imaging.~~

In further support of the claimed term "medical imaging", the Office is directed to page 14 of the specification wherein connections to the hub are discussed. In describing these connections, the economic benefits of transmitting *medical images* are related as an advantage of the current invention (see line 19 et seq.). Clearly, the concept of medical imaging includes a scope larger than just radiological imaging.

The applicant submits that the instant application claims an invention that is different although admittedly similar to a previously claimed invention. The scope of the term imaging as described in the specification is not restricted to only radioactive imaging techniques, but clearly finds support for other disclosed technologies such as ultrasound imaging and magnetic resonance imaging (MRI).

CONCLUSION

Applicant submits that as a result of the above remarks, it has been clearly shown that there exists support in the specification for the term medical imaging as recited in the claims, and that this term encompasses technology for imaging which is within the scope of the invention, and is different from that claimed for radiological imaging. Applicant submits that the application is in a condition for allowance and earnestly requests that it be passed to issue. If the Office believes that prosecution can be expedited through a telephone interview with applicant's attorney, this would be most welcome.

Applicant respectfully submits that the application is now in a condition for allowance, and earnestly requests reconsideration so the application may be passed to issue. If the Office believes further discussion would expedite prosecution, applicant's attorney would welcome the opportunity.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Lawrence E. Monks

Reg. No. 34,224

Attorney for Applicant

60 State Street

Boston, MA 02109

(617) 227-7400

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